

Appeal Decision

Site visit made on 8 May 2017

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 June 2017

Appeal Ref: APP/D0840/W/17/3166596

Little Rosecare, Bush, Bude, EX23 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs P Newberry against the decision of Cornwall Council.
 - The application Ref PA16/04941, dated 27 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is the construction of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's decision notice cited policy HSG4 of the North Cornwall District Local Plan adopted originally in 1999 (the 'former plan'). However this policy has now been superseded by the adoption of the Cornwall Local Plan Strategic Policies on 22 November 2016 (the 'Local Plan').
3. This changing context has not, however, altered the Council's position. The main parties have had appropriate opportunity to comment in this regard at appeal. I have consequently determined the proposal in accordance with the development plan unless material considerations indicate otherwise.
4. Revised topographical and access plans were submitted during the Council's determination of the application, following which the Council withdrew their original concerns regarding the potential for flooding and the adequacy of vehicular access. Aside from access, the proposal is in outline with matters of appearance, landscaping, layout and scale reserved (the 'reserved matters'). The supporting plans are therefore illustrative.
5. Whilst I have used the description of development in the banner heading above as was given in the application form, the proposal would also entail the alteration and widening of the existing vehicular access to provide for a shared driveway that would serve the dwelling proposed and Little Rosecare.

Main issue

6. The main issue is whether or not the appeal site is an appropriate location for the development proposed with regard to local and national planning policy.
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Policy context

7. Policy 3 'Role and function of places' of the Local Plan guides development towards a hierarchy of locations. 'Bude with Stratton, Flexbury, and Poughill' is therein identified as main town. Policy 3 accords in principle support to development at or well related to this settlement, which will be managed through a site allocations development plan document or neighbourhood plans.
8. The Council's emerging Site Allocations Development Plan Document does not identify specific locations here as suitable for development, deferring this to the Bude-Stratton Neighbourhood Plan (the 'NP'). The NP was supported at referendum on 4 May 2017.
9. Policy 3 'Development and Community Facilities' of the NP supports residential development of up to 30 dwellings 'on sites within or adjacent to the settlements of Bude, Stratton, Flexbury and Poughill'. The Council's officer report associated with application Ref PA16/04941 explains that Bude is at approximately 2.3 miles distant from the appeal site, Stratton 0.9 miles, and Poughill 0.5 miles.¹ These figures are not disputed by the appellants.
10. Other than at the main towns, policy 3 of the Local Plan sets out that development will be brought forward via neighbourhood plans, the rounding off of settlements, infill schemes and rural exception sites. As set out above, development at the appeal site is not supported by the NP as it clearly falls beyond settlements identified in policy 3 thereof, and I will consider subsequently whether it may reasonably be described as 'rounding off' or 'infill'. No case has been made that the proposal should be considered as a rural exception site.
11. Where development proposed is not supported by the various criteria of policy 3 of the Local Plan, the provisions of policy 7 'Housing in the countryside' apply. This limits the provision of dwellings in the countryside to specific types, none of which can be said to apply to the development proposed.² Supporting text to policy 7 explains that its purpose is to both ensure a sustainable pattern of development and to protect the character of the countryside.
12. The National Planning Policy Framework (the 'Framework') sets out that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, which is clearly consistent with the aims of policies 3 and 7 of the Local Plan and policy 3 of the NP. The Framework further sets out that planning should recognise the intrinsic character and beauty of the countryside, and that, other than in special circumstances, new isolated homes in the countryside should be avoided.³

Reasons

13. The appeal site is part of the landscaped garden of the dwelling Little Rosecare. It is an irregular parcel of land which adjoins the plots of neighbouring

¹ Flexbury is at a greater distance to the west of the appeal site than Poughill.

² I.e. replacement dwellings, subdivision of existing dwellings, re-use of certain existing buildings, temporary or permanent accommodation for rural workers.

³ There is nothing in the evidence before me to indicate that any of the special circumstances listed in paragraph 55 of the Framework in this context would apply here.

properties named Oak Cottage and Bush House. Vehicular access would be directly with the adjacent A39. Aside from its access, the plot boundary of Little Rosecare with the A39 is demarcated by a stone wall and established planting. The topography slopes gently down from the A39 through the appeal site to the undulating and predominantly wooded landscape beyond.

14. Residential development here would introduce a built form in what is presently an essentially natural parcel of land.⁴ However a dwelling in this location would be viewed in conjunction with nearby properties, and its visual prominence would be limited by the presence of the boundary features described above and the topography. Moreover the proposal is in outline with matters relating to design reserved for future determination.
15. Therefore whilst there would be some visual effect of the proposal, there is nothing inherently in the proposal before me to indicate that this would be sufficient to merit refusal in itself with regard to the character or appearance of the area.⁵ Indeed on account of the presence of properties in the area and the proximity of the A39, a dwelling located here would not in my view seem isolated visually.
16. Nevertheless it appeared to me during my site visit that Bush can fairly be described as a small and predominantly linear straggle of irregularly arranged properties within spacious plots. This pattern of development likely results from the historic origins of the area, with many properties reflective of a traditional rural aesthetic. There is no clear nucleus to Bush nor readily identifiable extent of its built form.⁶
17. Bush benefits from a telephone box, post box and a bus stop. Most day-to-day needs of the intended future occupants of the dwelling proposed would, however, need to be met elsewhere. On the basis of the evidence before me I am not satisfied that bus services are sufficiently frequent to meaningfully reduce reliance on private vehicles. I note that the appellants explain in their appeal statement that the appeal site falls approximately 1.5 miles away from 'a fuel station, large supermarkets and a school/college, and only 0.9 miles from a local shop'. Such distances exceed what is in my view a convenient walking distance.
18. Moreover the nature of the pedestrian or cycle route that must be taken to reach more populous areas is highly unwelcoming. At the time of my site visit, mid-afternoon, traffic along the A39 was frequent. Given that the A39 is the principal arterial route in this part of Cornwall there is nothing to suggest that this is atypical. In this location the orientation of the A39 does not alter significantly, resulting in relatively good forward visibility. There is therefore no apparent constraint to driving at the speed limit of 40 miles per hour.
19. Any route from the appeal site on foot or by bicycle to nearby services and facilities would need to be, at least in part, along the A39. Adjacent to the

⁴ The appeal site falls within an Area of Great Landscape Value as established via saved policy ENV1 of the former plan which remains part of the statutory development plan and accords particular protection to landscape character in these locations.

⁵ A position which is consistent with that of the Council.

⁶ This potentially accounts for the difference in the number of properties comprising Bush cited by the Council and the appellants (approximately 12 and 30 respectively).

appeal site there is no formal dedicated footway for some distance in either direction.⁷ Given traffic frequency and speed, even a short walk along the A39 would feel highly intimidating. Once off the A39, the route to services and facilities in surrounding settlements is in part along narrow winding rural lanes without dedicated footways or lighting, which similarly is not a welcoming route for pedestrians or cyclists.

20. Consequently on account of dispersed nature of Bush and the distance and nature of the routes necessary to reach services and facilities, functionally the appeal site may fairly be described as isolated (notwithstanding my reasoning in respect of visual integration above).⁸ In this context the proposal cannot reasonably be seen as 'infilling' or 'rounding off' within the terms of policy 3 of the Local Plan and with reference to supporting text thereof, nor can the appeal site be described as 'within or adjacent to the settlements of Bude, Stratton, Flexbury and Poughill' as referred to in policy 3 of the NP. On the contrary the proposal would lead to environmental harm by resulting in a sporadic pattern of development where residents would in my view be highly reliant on the use of private vehicles.
21. Each proposal must be determined on its particular merits. However given the dispersed nature of Bush and the presence of similarly sized plots associated with nearby dwellings, it is legitimate to note that allowing this proposal may lead for pressure for similar development elsewhere. This may collectively exacerbate the environmental harm that would result from this proposal individually as established above and lead to further erosion of the natural character of the area.
22. Whilst I accept that a number of properties are located nearby, many are historic and their presence does not justify unacceptable located development in the present. The appellants have also brought a number of other proposals to my attention nearby, which they contend represent examples of where the Council has permitted development in similarly or less well connected locations than the appeal site to which I now turn.
23. The appellants refer to 2 new dwellings approved near to Bush and a third via planning permission Ref PA13/09380. Whilst I accept that there are similarities between this appeal and those cases, there is limited information before me as to the planning circumstances that applied in those instances. Moreover in the latter case the Council's decision notice is dated 15 January 2014, and therefore that decision was taken in a different policy context and housing supply situation than is currently the case.
24. Planning permission PA14/05760, also referred to by the appellants, is not directly comparable with the circumstances here. The application site there was within Boyton, identified via now superseded policy HSG2 of the former plan as a minor village in which incremental residential development was supported.
25. I therefore conclude on the basis of the information before me and from my site visit observations that the appeal site is not an appropriate location for the development proposed. The proposal conflicts with the approach in the relevant

⁷ Although, on occasion, there is some space between the boundary features of properties and the white line edge of the highway on its western side and a verge along its eastern side.

⁸ An approach consistent with appeal Ref APP/D0840/W/16/3162412 brought to my attention by the Council.

provisions of the policies of the Local Plan and NP cited above, and with relevant elements of the Framework.

Planning balance

26. I accept that the proposal would have certain benefits, which must be considered in order to determine whether the proposal is acceptable as a whole. If implemented the proposal would result in the creation of a new home in Cornwall, consistent with the support for new housing given in general terms within the Local Plan, where the housing requirement is expressed as a minimum level, and in the Framework.
27. However there is no evidence before me to counter the Council's position that they are presently able to demonstrate a 5 year supply of deliverable housing sites relative to needs. As such the benefit of the proposal in respect of housing provision is limited to representing an incremental numerical addition which is not necessary for the Council to meet its Local Plan requirement, rather than in terms of appropriately located development.
28. I further acknowledge that the delivery of a new home would result in social and economic benefits in supporting employment during construction and as future occupants would make use of nearby services and facilities. However such benefits would inevitably be modest in respect of one new home. The absence of methodological evidence indicating that nearby services and facilities are in need of additional trade to ensure their continued viability further tempers the weight that I can accord to these benefits.⁹ Therefore neither the benefits of the proposal, nor any other matter, are of sufficient significance so as to alter my reasoning above.

Conclusion

29. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁹ Noting the appellants' comments that there are now two supermarkets present off Stratton Road as opposed to only one being referred to within the former plan.